

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

COREY HERZER,

Plaintiff,

vs.

CIV CASE NO.: 15-0583 KBM/LF

FRONTIER DRILLING, LLC,

Defendant.

**ORDER FINDING FLSA WAIVER IN PRIVATE SETTLEMENT AGREEMENT  
ENFORCEABLE AND DISMISSING CASE WITH PREJUDICE**

This MATTER comes before the Court on Plaintiff Corey Herzer and Defendant Frontier Drilling, LLC's Joint Motion to Dismiss Case with Prejudice [Doc. 30]. The Court, having reviewed the Motion, analyzed the relevant case law, being fully advised as to the premises, and noting that the Motion was jointly made, finds, consistent with the reasoning set forth in *Martin v. Springbreak '83 Productions, LLC*, 688 F.3d 247, 255 (5<sup>th</sup> Cir. 2012), and *Martinez v. Bohls Equipment Company*, 361 F. Supp. 2d 608 (W.D. Tex. 2005), that the FLSA waiver in the parties' private settlement agreement is enforceable without Court or Department of Labor approval as the claims being waived are part of a settlement of a bona fide dispute as to hours worked and compensation owed. The Court hereby GRANTS the Motion and ORDERS that Plaintiff's complaint shall be and hereby is dismissed with prejudice.

  
UNITED STATES CHIEF MAGISTRATE JUDGE

**SUBMITTED:**

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: /s/Thomas L. Stahl  
Thomas L. Stahl

P.O. Box 1888  
210 Third St. NW, Suite 2200  
Albuquerque, NM 87103-1888  
Telephone: (505) 765-5900  
Facsimile: (505) 768-7395  
Email: TStahl@rodey.com  
MStambaugh@rodey.com

*Attorneys for Defendant Frontier Drilling, LLC*

**APPROVED:**

TUCKER, BURN, YODER & HATFIELD LAW FIRM

By Approved by Email on 1/15/16  
Christian Hatfield  
105 N. Orchard Avenue  
Farmington, New Mexico 87401-6222  
Telephone: (505) 325-7755  
Facsimile: (505) 325-6239  
christian@tbylaw.com

*Attorneys for Plaintiff Corey Herzer*